

## **IC 16-41-38**

### **Chapter 38. Radon Gas**

#### **IC 16-41-38-1**

##### **"Radon gas" defined**

Sec. 1. As used in this chapter, "radon gas" means the radioactive gas and related decay products produced by the disintegration of the element radium.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-2**

##### **Rules**

Sec. 2. The state department shall adopt rules under IC 4-22-2 to establish and operate programs for the certification of a person engaged in:

- (1) testing for radon gas in buildings or on areas of land; or
- (2) abatement of radon gas in buildings.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-3**

##### **Duties of state department**

Sec. 3. The state department shall, in the rules adopted under this chapter:

- (1) require training and education as a precondition to certification;
- (2) require continuing education and biennial reexamination to maintain certification;
- (3) establish fees that are not more than necessary to recover the cost of administering this chapter;
- (4) collect and disseminate information relating to radon gas; and
- (5) conduct research on radon gas testing and mitigation.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-4**

##### **Use of relevant standards and requirements**

Sec. 4. In establishing standards and requirements under this chapter, the state department shall use any relevant standards or requirements concerning radon gas established by the United States Environmental Protection Agency.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-5**

##### **Exempted individuals; certification requirement**

Sec. 5. (a) This section does not apply to an individual who is testing for radon gas or engaged in the abatement of radon gas if the individual is:

- (1) performing the testing or abatement in a building the individual owns;
- (2) performing the testing on an area of land the individual

owns; or

(3) conducting scientific research on radon gas testing or abatement in a building or on an area of land and the owner of the building or area of land is not charged for the testing or abatement.

(b) An individual may not engage or profess to engage in:

(1) testing for radon gas; or

(2) abatement of radon gas;

unless the individual is certified under this chapter.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-6**

##### **Denial, suspension, or revocation of certificate**

Sec. 6. The state department may under IC 4-21.5:

(1) deny;

(2) suspend; or

(3) revoke;

a certificate issued under this chapter or IC 13-1-14 (before its repeal).

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-7**

##### **Certification without examination**

Sec. 7. An individual accredited in another state to perform testing for or abatement of radon gas may be certified under this chapter without passing an examination if:

(1) the state in which the individual is accredited maintains an accreditation program substantially similar to the certification program under this chapter; and

(2) the individual pays a fee.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-8**

##### **Radon gas trust fund**

Sec. 8. (a) The radon gas trust fund is established to provide a source of money for the purposes described in this chapter.

(b) The expenses of administering this chapter shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The sources of money for the fund are the following:

(1) Fees collected under this chapter.

(2) Appropriations made by the general assembly.

(3) Gifts and donations intended for deposit in the fund.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-9**

##### **Violations; civil penalty**

Sec. 9. In addition to the penalties set out in this chapter, the state department may commence an action under IC 4-21.5-3-6 or

IC 4-21.5-4 for issuance of a compliance order to impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation, each day, against a person who:

- (1) fails to comply with this chapter or a rule adopted under this chapter; or
- (2) interferes with or obstructs the state department or a designated agent of the state department in the performance of official duties under this chapter.

*As added by P.L.1-1996, SEC.76.*

#### **IC 16-41-38-10**

##### **Violations; offense**

Sec. 10. An individual who violates:

- (1) this chapter; or
- (2) a rule adopted under this chapter;

commits a Class A misdemeanor.

*As added by P.L.1-1996, SEC.76.*